FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt Petition No. 2l3 of 2005

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order	Court or Judge's Order

Ms S Shreedharan for the petitioner
Mr B R Zaveri for respondent nos.l and 2

CORAM; A.M.KHANWILKAR J.

DATED 30.l.2006

P.C.

. Heard the learned counsel for the parties. Perused the documents on record. In my opinion no case for initiating contempt action has been made out. The argument that by putting up speed breaker there has been breach of the order dated l4.7.2004 and 23.7.2004 is unacceptable. To get over this position the learned counsel for the petitioner submits that a gate has been put up by the respondents.

However, there is no allegation in the application as filed that entry of any vehicle belonging to the petitioner-respondent in the appeal has been obstructed on that account either by the security guards or by erection of the gate. So long that has not been done, it is not possible to take a view that there is breach of the orders dated l4th July and 23rd July 2004.

. As the notice of motion is still pending before the trial court and having regard to the nature of the dispute, the trial court is directed to expedite the hearing of the said notice of motion in view of the observations made by this court in its order dated 23.7.2004. The notice of motion to proceed on its own merits in accordance with law, preferably to be decided by the end of June 2006.

. Although the learned counsel for the respondent made serious allegations that present proceedings

is an abuse of process of the court, it is not necessary for me to go into that question. In future any proceedings are taken out by the petitioner, it will be open to the respondents to take up this plea on the basis of which those proceedings will be decided.

. Contempt petition is disposed of accordingly.